

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL SIGGERS,

Plaintiff,

CASE NO. 07-12495

v.

HON. MARIANNE O. BATTANI

ELLEN M. CAMPBELL, et al.,

Defendants.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DENYING DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT WITHOUT PREJUDICE**

This matter is before the Court on Plaintiff, Darrell Siggers, and Defendant, Ellen Campbell's objections to the Magistrate Judge's Report and Recommendation ("R&R") to deny Defendant's Motion for Summary Judgment (Doc. 115) without prejudice. (Doc. 123). On the day the R&R was issued, the Magistrate Judge also granted Plaintiff's Motion for Appointment of Counsel to assist Plaintiff in obtaining e-mails from Defendant. (Doc. 122).

This case arises out of Plaintiff's First Amendment retaliation claim against Defendant. The Magistrate Judge's R&R referenced the Sixth Circuit's decision in this case holding Plaintiff is entitled to discovery materials he has requested for several years. See Siggers v. Campbell, 652 F.3d 681, 698-99 (6th Cir. 2011) (reversing summary judgment in favor of Defendant because Plaintiff had not yet received discovery materials to which he was entitled). The Magistrate Judge was "unable to

fully analyze" one of the issues because Plaintiff "ought to have that discovery material before addressing the causal link." (Doc. 123 at 9).

After reviewing the record *de novo* and in light of the Sixth Circuit decision, the Court agrees with the Magistrate Judge's recommendation. Plaintiff admits that his objections are premature, as the material has yet to be produced. Defendant's objection that the discovery deadline has passed is also overruled, as Defendant has contributed to the delay in producing the discovery material. (Doc. 122 at 15).

For the reasons stated above, the Court **OVERRULES** Plaintiff's and Defendant's Objections (Docs. 124, 125), **ADOPTS** the R&R (Doc.123), and **DENIES** Defendant's Motion for Summary Judgment without prejudice. (Doc. 115).

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE: September 14, 2012

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon all parties of record via ordinary U.S. Mail and/or electronically.

s/Bernadette M. Thebolt
Case Manager